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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 RAFAEL F. SILVA,) Case No. CV 11-2538 JFW (JCG)
11)
12 Petitioner,)
13 v.) **ORDER ACCEPTING REPORT AND**
14 CONNIE GIPSON, Warden,) **RECOMMENDATION OF UNITED**
15 Respondent.) **STATES MAGISTRATE JUDGE AND**
16) **DENYING CERTIFICATE OF**
17) **APPEALABILITY**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
18 Magistrate Judge's Report and Recommendation, Petitioner's Objections to the
19 Report and Recommendation, and the remaining record, and has made a *de novo*
20 determination.

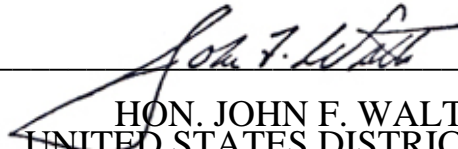
21 Petitioner's Objections reiterate the arguments made in the Petition and
22 Traverse, and lack merit for the reasons set forth in the Report and
23 Recommendation.

24 Accordingly, IT IS ORDERED THAT:

- 25 1. The Report and Recommendation is approved and accepted;
26 2. Judgment be entered denying the Petition and dismissing this action
27 with prejudice; and
28 3. The Clerk serve copies of this Order on the parties.

1 Additionally, for the reasons stated in the Report and Recommendation, the
2 Court finds that Petitioner has not made a substantial showing of the denial of a
3 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
4 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate
5 of appealability.

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8 DATED: March 14, 2012

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11 HON. JOHN F. WALTER
12 UNITED STATES DISTRICT JUDGE
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